

August 2, 2006 BZA
September 6, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0329
(AMENDED)

Premier Homes

Clover Hill Magisterial District
9831 Paisley Lane

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

Property is known as 9831 Paisley Lane. Tax ID 751-692-0410. Access will be across Tax ID 750-692-Part of 5237 (Sheet 10).

Existing Zoning:

A

Size:

1.1 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A; Residential
South - A; Residential and vacant
East - A; Residential
West - A; Vacant

Utilities:

Private well and septic system

General Plan:

(Northern Area Land Use and Transportation Plan) Residential
(1.51 to 4.0 units per acre)

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a fifty (50) foot private easement from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

I would like to construct a single family residence which will be architecturally compatible with adjacent dwellings in the area. The parcel is landlocked and without the Variance the land is of no beneficial use.

The subject property is located just west of the Loch Braemar Subdivision off the western terminus of Paisley Lane, consists of 1.1 acres and was recorded September 16, 1983. It is owned by Kevin A. and Sarah Barrick. They purchased the property on January 5, 1996. The applicant plans to construct a single family dwelling on the subject property. The access to the subject property will be via a private easement across property which is owned by Mary Jo R. Lux.

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property

owner's immediate family, or complies with the plat validation process. In this case, the property must comply with the plat validation process.

Staff reviewed the plat and visited the subject property which is unimproved. Staff notes there is an existing driveway which two (2) dwellings use as their ingress and egress. This driveway is approximately eight (8) to ten (10) feet in width with trees on both sides and branches hanging over the road.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:
 - A fifty (50) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of

Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:

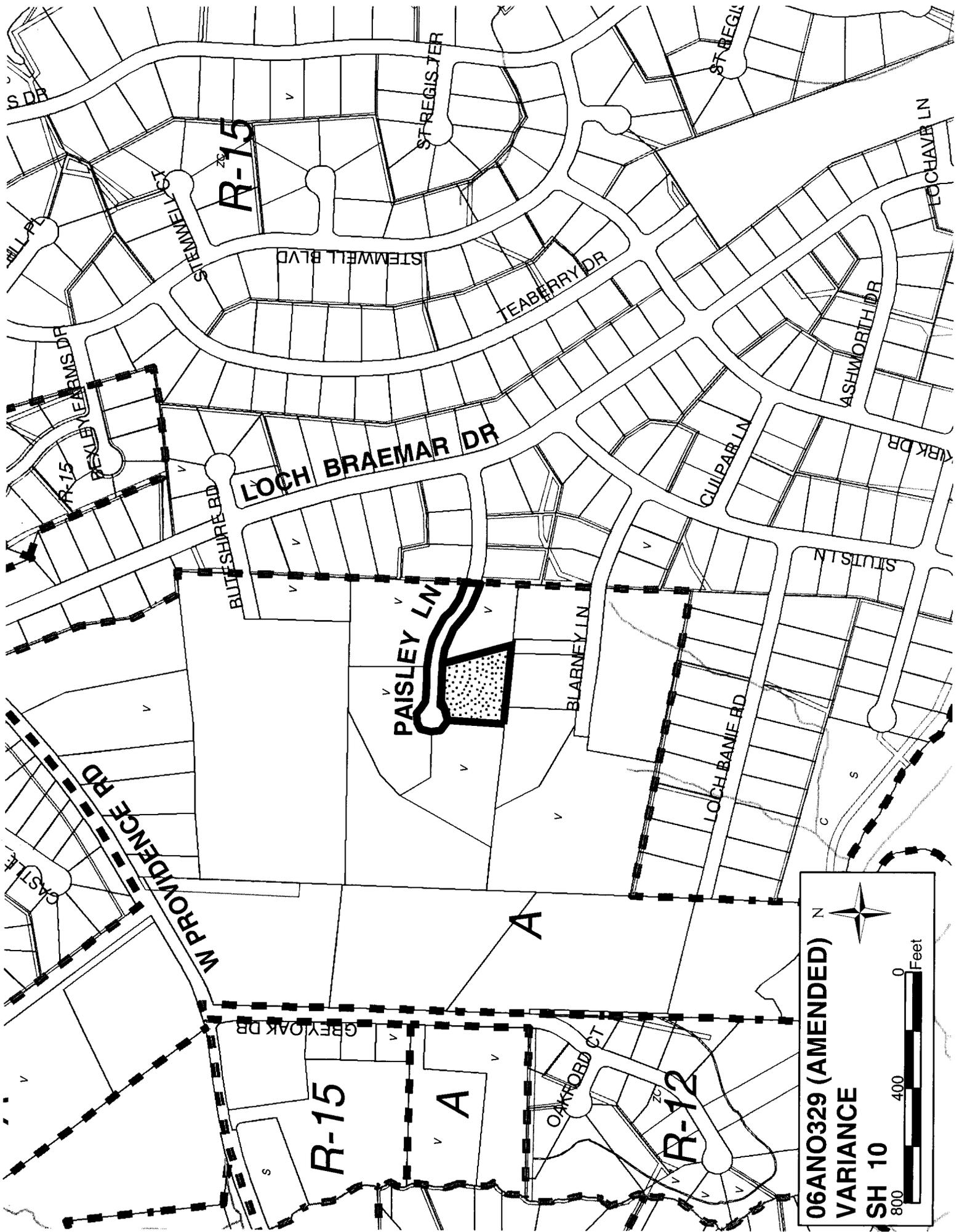
- (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
 - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.

CASE HISTORY

08/02/06:

The Board deferred this request to their September 6, 2006, meeting to allow time to amend the application to read "A Variance to use a parcel of land which has no public road frontage for dwelling purposes". At the time of the application and acceptance of the Variance request, the applicant had indicated he would be accessing the subject property via Paisley Lane which he indicated was a dedicated but unimproved public road. Staff reviewed the

application and determined Paisley Lane ends approximately 400 feet east of the subject property and the existing driveway the applicant intends to use as access is privately owned.



06ANO329 (AMENDED)
VARIANCE

SH 10



LOCH BRAEMAR DR

PAISLEY LN

BLARNEY LN

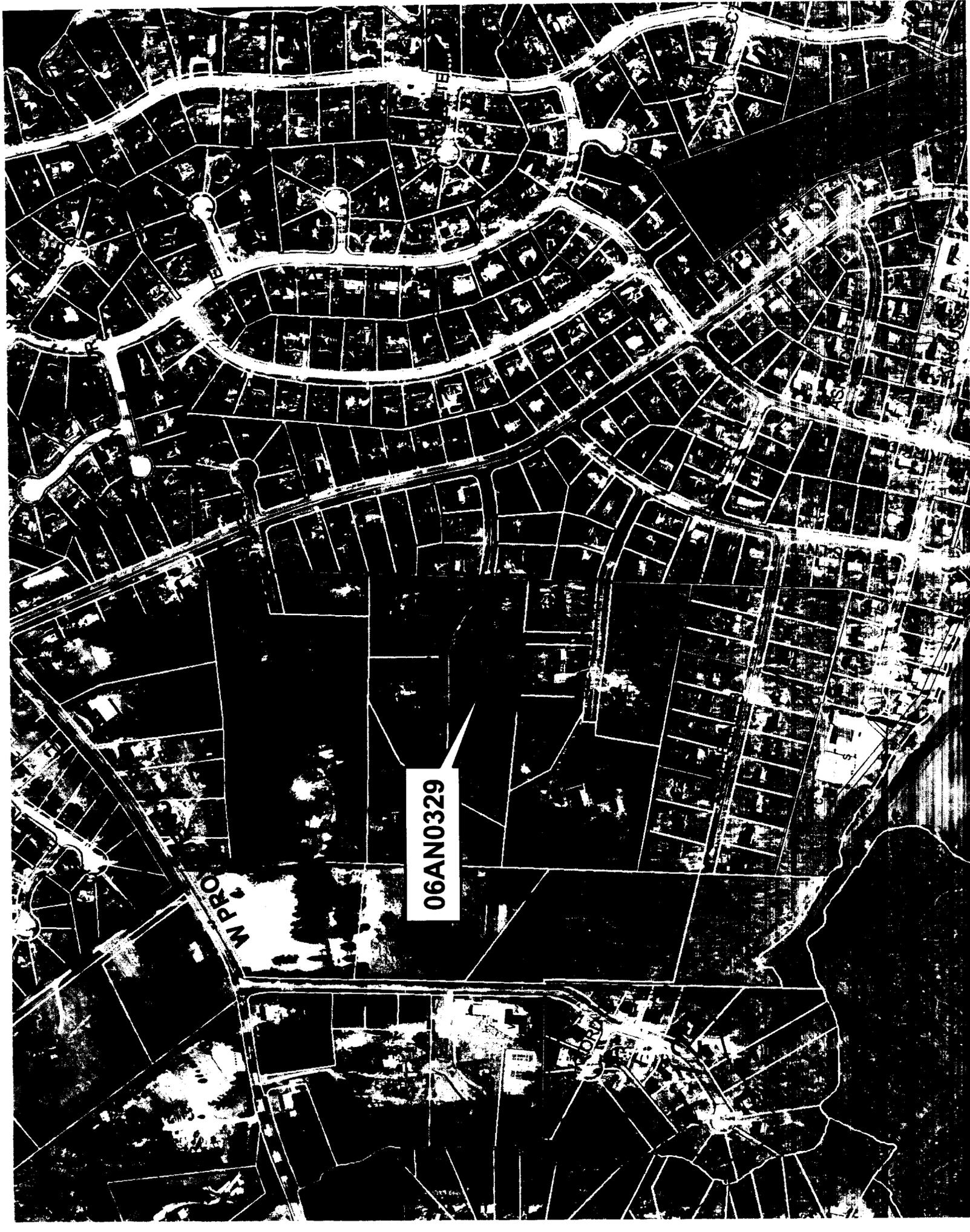
POINT A

POINT B



06AN0329-1





06AN0329

W PRO